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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/369,754 08/06/99 HENRY

J 5049-07600

EXAMINER

QM12/0228

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ART UNIT

PAPER NUMBER

3712

DATE MAILED:

02/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/369,754

Applicant(s)

HENRY, JEFFERY W.

Examiner

Kien T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 and 75 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-48 is/are allowed.
- 6) ☒ Claim(s) 1-27 and 75 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.

- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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Claim Rejections - 35 USC § 112

I. Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 16-19, 21-23, are confusing because the independent claim directed to a water lock system which is intended to be used for conveying a person from a first body of water to a second body of water. Such bodies of water are not parts of the water lock system. However, these claims positively recite the structural components of the lock system with the bodies of water such as "the chamber being coupled to the first body of water and second body of water", and "the first conduit is further coupled to the second body of water". If the bodies of water being connected together, then it was not clear whether there are two separate bodies of water of just one.

In re claim 25, the flotation device is definitely not a part of the water lock system. Accordingly, it failed to further limit the subject matter of claim 1.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4, 7, 15, 16-18, 75, as understood, are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Lochtefeld et al. U.S. Patent 5,766,082.

Lochtefeld et al disclosed in Figs. 1 and 2 a water lock system comprising a chamber (46) for holding water; first and second movable members (44) formed in a wall of the chamber; a bottom member (56) formed positioned within the chamber; a water control system or pump (36) (see Fig. 1) connected to the chamber for conducting water to the chamber during use; the chamber has a figure of a rectangle; the movable members (44) move vertically into a portion of the wall when moving from a closed position to an open position. While Lochtefeld et al did not specifically show a conduit, a valve coupled with the pump (36), it is obvious if not inherent that such conduit and valve are required in order for the pump to work properly. Therefore, such inherent details are not of patentable moment.

4. Claims 3, 5, 20, 21, 22, 24, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lochtefeld ('082).

Regarding claims 3 and 5, it is noted that the movable members (44) move vertically into a portion of the wall instead of the manner as set forth in claims 3 and 5. However, the direction of the movable members does not affect how the water being transferred from one location to another. Therefore, it would have been a matter of design choice to move the movable member in any desired direction for the reason as discussed above.

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In re claims 20, 21, 22, Lochtefeld et al did not teach additional water control system as set forth in these claims. However, such feature is merely duplication of part. Therefore, it would have been a matter of design choice to provide additional control system to the water ride if it is deemed necessary.

Allowable Subject Matter

5. Claims 6, 8-14, 23, 27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. Claims 28-48 are allowed.


Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The enclosed references are cited interest.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien Nguyen whose telephone number is (703) 308-2493.

ktn

February 26, 2001


Kien T. Nguyen
Primary Examiner